

## The Nature of Police Duties and Functions in Traffic Accident Law Enforcement: A Study of The South Sulawesi Regional Police Jurisdiction

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### ABSTRACT

This study aims to identify, analyze, and examine the nature of the duties and functions of the police in enforcing criminal law related to traffic accidents within the jurisdiction of the South Sulawesi Regional Police. The research employs an empirical legal approach focusing on traffic accident crimes in several regions, namely Makassar, Luwu, East Luwu, Jeneponto, and North Toraja. Primary data were obtained through interviews, questionnaires, and field observations, while secondary data were collected from legal documents, regulations, and relevant academic literature. Using purposive sampling, data were gathered from 100 respondents and analyzed through a combination of qualitative analysis and quantitative techniques, including frequency and percentage tabulation. The findings indicate that the essential nature of the police's duties and functions in enforcing traffic accident criminal law is centered on maintaining public security and order, enforcing the law, and providing protection and services to the community, with the ultimate objectives of achieving justice, legal certainty, and societal benefit. To enhance traffic accident management within the South Sulawesi Regional Police jurisdiction, this study recommends improving police professionalism, increasing personnel capacity, upgrading facilities and technological support, and strengthening coordination among relevant institutions. Considering that traffic accidents are generally preceded by traffic violations, it is also necessary to revise the substantive legal framework, intensify public legal education, and cultivate a culture of legal discipline to ensure optimal safety, order, legal protection, and justice.

**Keywords:** Traffic Accidents; Police; Law Enforcement; South Sulawesi Regional Police; Traffic Crimes; Police Duties and Functions.

### INTRODUCTION

In the era of globalization, as times continue to develop, human society requires regulations that also evolve in line with these developments. One of the functions of government in a state is to formulate regulations whose primary purpose is to realize justice, legal certainty, and public benefit for society. This is in accordance with Article 1 paragraph (3) of the 1945 Constitution, which explains that Indonesia is a state based on law.

Therefore, all societal activities must be grounded in the laws that apply within society. A regulation can be considered good if it is valid and effective juridically, sociologically, and philosophically—this also applies to traffic regulations. Traffic is a vital instrument because it is directly connected to transportation. Philosophically, the duties and functions of the police are rooted in the fundamental values of the state, namely justice, utility, and legal

certainty. Justice requires that every violation of law be handled fairly and without discrimination. Utility demands that law enforcement produce a positive impact for the broader community, including providing protection and a sense of security. Meanwhile, legal certainty requires that every law-enforcement action be based on clear, transparent, and accountable rules. Traffic issues constitute a national-scale problem that develops along with societal change.

A current challenge is the continuing increase in the number of traffic accidents on public roads. In Indonesia, many accidents are caused by several factors, including driver fatigue and lack of caution. An event that causes someone to suffer misfortune on the road is referred to as an accident, as defined in the Indonesian dictionary. From the standpoint of criminal law, any accident that causes injuries, results in loss of life, and creates material or immaterial losses is understood as an accident that gives rise to legal consequences. A traffic accident is an unexpected and unintended event on the road involving a vehicle, with or without other road users, resulting in human casualties and/or property damage, with victims suffering minor injuries, serious injuries, or death. The causes of traffic accidents include road-user factors (drivers and pedestrians), vehicle factors, road factors, and environmental factors. Accidents may also occur due to a combination of factors such as poor behavior by drivers or pedestrians, road conditions, vehicle conditions, bad weather, and poor visibility. The principal duties and functions of the Indonesian National Police, in addition to safeguarding the public, include law enforcement. This function forms part of the implementation of Article 1 paragraph (5) of Law Number 2 of 2002 on the Indonesian National Police, which provides that public security and order constitute a dynamic condition of society as a prerequisite for the implementation of national development, characterized by the guarantee of order and the enforcement of law, and by the cultivation of public peace that includes the capacity to foster and develop the potential and strength of society in countering, preventing, and overcoming all forms of legal violations and other disturbances that may unsettle the public.

Traffic and road transport also have a strategic role in supporting national development and integration as part of efforts to promote the general welfare as mandated by the 1945 Constitution. Accordingly, within the national transportation system, the potential and smooth flow of traffic and road transport must be developed to support economic development and regional growth. A traffic violation is a disregard of traffic order committed by motor-vehicle users that can lead to traffic accidents affecting other road users. Therefore, sanctions are necessary to create a deterrent effect for violators. In essence, law enforcers—especially the traffic police—have a highly important duty and role in preventing and responding to every incident on the road, including traffic violations and traffic accidents.

Traffic police must act firmly and uphold the role entrusted to them in resolving cases of traffic violations and traffic accidents, as stipulated in the main duties of the Indonesian National Police under Article 13 of Law Number 2 of 2002 on the Police, namely: maintaining public security and order; enforcing the law; and providing protection, guidance, and services to the community. These functions position the police not only as law-enforcement officers but also as maintainers of public order. Society and the police are two activities that cannot be separated. Without society there would be no police, and without the police, processes within society would not run smoothly and productively. In practice, the Indonesian National Police carry a dual role, both as law enforcers and as social workers in the social and community sphere through service and dedication. Law, both as norms and as regulated conduct, functions to guide human behavior. The influence of law is not limited to generating obedience or compliance but includes the total effect of law on conduct, whether positive or negative.

The reform of the Indonesian Police Law, Law Number 2 of 2002, was intended to further strengthen the position and role of the police as a governmental function encompassing the maintenance of public security and order, law enforcement, and protection, guidance, and services to the public while upholding human rights, and it must be free from the influence of any power, carried out independently and detached from governmental power and other influences. Through its existence, the police carry four strategic roles: community protection; law enforcement; prevention of legal violations; and the development of public security and order. With the increasing number of two-wheeled vehicles, greater awareness is needed among motorcycle users in terms of safety and traffic discipline; however, what often occurs is widespread indiscipline and noncompliance with traffic rules. Road users frequently act arbitrarily and ignore existing regulatory signs, especially traffic rules governed by Law Number 22 of 2009 on Road Traffic and Transportation. Motor-vehicle users often disregard these rules, resulting in many accidents that cause minor injuries, serious injuries, and even loss of life.

One major problem in transportation is traffic accidents. This problem generally arises when transportation facilities—roads, vehicles, and supporting infrastructure—have not been able to keep pace with societal development. Economic growth and a large population increase the intensity of daily activities and, consequently, the demand for transportation, both private and public. Traffic accidents in recent times occur very frequently and cause substantial losses, including damage to public facilities and fatalities. Increasingly complex traffic conditions, along with the growing number of motor vehicles—both two-wheeled and four-wheeled—directly or indirectly contribute to the rise in traffic-accident incidents. The high number of traffic accidents that claim many lives

requires wise and prudent resolution. Traffic-accident crimes are generally categorized as negligence-based offenses rather than intentional acts; they are not regarded as crimes of intent but as offenses arising from culpable carelessness. An accident is a series of events that is not anticipated and consistently results in property damage, injury, or death. Under Law Number 22 of 2009, a traffic accident is an unexpected and unintended event on the road involving a vehicle, with or without other road users, that results in human casualties and/or property damage. Under Article 229 of the same law, traffic accidents are classified into three categories: minor accidents that result in damage to vehicles and/or goods; moderate accidents that result in minor injuries and damage to vehicles and/or goods; and serious accidents that result in death or serious injuries. Article 227 of Law Number 22 of 2009 stipulates that when a traffic accident occurs, officers of the Indonesian National Police are obliged to handle the accident by: immediately going to the scene; assisting victims; taking initial actions at the scene; processing the crime scene; regulating traffic flow; securing evidence; and conducting an investigation. Accordingly, the police seek to foster public awareness so that the community participates in maintaining security and order within society itself. In community development aimed at realizing better security and order, the concept of community policing (POLMAS) emerged, reinforced by the National Police Chief's Decree Number 737/X/2005 dated 13 October 2005 concerning policy and strategic directions for implementing the community policing model in carrying out police duties. From 2022 to 2025, the Luwu Police continued to demonstrate its commitment to providing transparent and accountable legal services to the public through professional management of reports and case handling. This is reflected in data on Police Report Letters (SELRA) and Notification Letters on the Progress of Investigations (SP2HP) issued during those years.

SELRA data reflect the number of reports received by the Luwu Police, covering various types of criminal acts reported by the public. Meanwhile, SP2HP is an important element of the investigator's accountability mechanism to the complainant, serving as a form of transparency in the case-handling process. The data are then presented comprehensively, including annual tables for 2022 through the first quarter of 2025, summaries of casualties, material losses, and patterns in case handling such as the issuance of SP2HP, the use of restorative justice, termination of investigations, and the completion of case files. The recapitulation of traffic-accident data for 2022–2025 shows that although the number of cases may fluctuate, accidents continue to produce fatalities, serious injuries, minor injuries, and significant material losses. Legally, this condition implies criminal liability for drivers based on negligence as well as obligations to compensate victims, and it underscores the need to strengthen law enforcement and preventive efforts. Alternative Dispute Resolution in accident cases also shows a declining trend, which may be influenced by the reduced number of incoming cases or limited eligibility for restorative mechanisms. The duties and functions of the police in enforcing traffic-accident law in the jurisdiction of the South Sulawesi Regional Police reflect an active role in investigation, service, and legal protection. Several cases in the region illustrate how these functions are carried out, including accident cases in Luwu and Makassar that involve alleged negligence, high-speed driving, lane changes, traffic-flow engineering, and judicial outcomes that demonstrate how intent and negligence are treated in practice. From these cases, it is evident that the essence of police duties and functions is not limited to punitive action but also encompasses prevention, service, protection, and law enforcement conducted fairly and professionally. At the same time, these cases also indicate the need to improve infrastructure, traffic signs, and technology-based traffic management to support more effective policing in the future.

In brief, five pillars are commonly recognized in handling traffic accidents: the human factor, emphasizing road-user behavior and compliance; the vehicle factor, focusing on technical roadworthiness and safety equipment; road infrastructure and facilities, including road conditions, signs, markings, lighting, and supporting facilities; the role of Jasa Raharja in providing compensation to victims; and the role of health services in emergency response, treatment, and rehabilitation to reduce mortality and disability. In principle, within a modern legal system, law functions as an instrument to create justice, legal certainty, and public benefit for society. Traffic accidents may occur either due to intentional actions or due to negligence in complying with traffic provisions. Intentional conduct is reflected in conscious violations such as reckless driving or disregard for the safety of other road users, while negligence arises from lack of care, such as failing to pay attention to road conditions, vehicle conditions, or traffic signs. Both forms have serious legal consequences because they not only cause material losses and injuries but, in many cases, also result in the loss of human life. This demonstrates that traffic accidents are not merely technical events but legal and social problems that demand criminal accountability and firm law enforcement to protect public safety. High traffic-accident rates generally begin with violations of traffic rules, such as ignoring signs, exceeding speed limits, failing to comply with safety requirements, and neglecting vehicle conditions. Such violations create dangerous situations on the road that can culminate in accidents, indicating that traffic accidents are a direct consequence of low legal compliance and poor traffic discipline. Empirically, however, the implementation of law often faces challenges that hinder these ideals. A primary issue is the gap between written legal norms (law in books) and their execution in practice (law in action).

This gap can be driven by inconsistent law enforcement, weaknesses in the justice system, and political or

economic interests influencing legal processes, which in turn negatively affects public trust in the legal system. In the context of law enforcement, the police play a crucial role in handling and resolving traffic-accident crimes. Their duties are not limited to traffic supervision and regulation but also include inquiry and investigation into accidents that cause material losses, injuries, and death. In practice, various challenges still arise, ranging from limited resources and potential abuse of authority to negative public perceptions of accident-case handling that is viewed as nontransparent or discriminatory.

This raises a fundamental question: whether the implementation of police duties and functions in enforcing traffic-accident criminal law has aligned with the philosophical essence of law enforcement itself. Normatively, the duties and functions of the Indonesian National Police, as regulated in Law Number 2 of 2002, are to maintain public security and order, enforce the law, and provide protection, guidance, and services to the public. In the context of traffic accidents, the police—particularly the traffic unit under the South Sulawesi Regional Police—should enforce the law professionally, transparently, and fairly. Accident handling should be carried out based on clear legal procedures, uphold the presumption of innocence, and guarantee the rights of both victims and perpetrators. In reality, however, the implementation of police duties and functions in enforcing traffic-accident law within the South Sulawesi Regional Police jurisdiction has not fully reflected these ideal principles. There are still reports of slow case processing, lack of transparency in investigations, and alleged discriminatory law enforcement based on the social status of perpetrators or victims. In addition, limited resources, low public legal awareness, and insufficient traffic education also hinder the creation of a fair and effective law-enforcement system in the field. As law enforcers, the police have an important role in handling traffic-accident crimes. Ideally, this duty is carried out to enforce the law fairly, protect the rights of all parties, and create public security and order. Yet in practice, the execution of these duties in the South Sulawesi Regional Police jurisdiction still faces various challenges, including lack of transparency, slow case handling, and minimal legal education for the public. Therefore, strengthening the role of the police is necessary so that traffic law enforcement proceeds in accordance with the principles of justice and professionalism. Based on the above background, the police as law enforcers need to formulate traffic-accident prevention programs carried out by the traffic and road-transport forum under the coordination of the Indonesian National Police. Based on the researcher's observations, traffic accidents that disturb public order often occur, such as a fatal accident on the Reformasi Toll Road in Makassar in December 2019 in which a wife and child died after a collision with a truck parked on the roadside.

## **THEORETICAL FRAMEWORK**

This study is grounded in the view that law is not merely written norms but a social institution intended to regulate behavior, resolve conflicts, and maintain public order, with its ultimate aims being justice, legal certainty, and social utility; within a rule-of-law state, police authority in traffic accident law enforcement must operate on the basis of legality, accountability, due process, and respect for human rights, so that traffic enforcement becomes a tangible manifestation of the rule of law in everyday life. The effectiveness of law enforcement is understood as the translation of legal norms into practice through the interaction of legal substance (the clarity and adequacy of traffic and criminal regulations), legal structure (institutional capacity, professionalism, integrity, and performance of the police), and legal culture (public awareness, compliance, and traffic discipline), where weaknesses in any component may produce inconsistency, delays, lack of transparency, or discriminatory perceptions. The police are conceptualized as holding a dual role as law enforcers and public service providers, requiring a balanced exercise of preventive functions (traffic regulation, education, accident prevention), repressive functions (investigation and prosecution of traffic accident crimes), and restorative functions (victim protection and conflict resolution), especially as traffic accident offenses predominantly involve negligence (*culpa*) rather than intent (*opzet*), so criminal liability hinges on the failure to exercise due care and the causal link between the negligent act and resulting harm—making objective accident reconstruction and evidentiary rigor central to policing. In parallel, restorative justice is positioned as a complementary approach for certain negligence-based cases, emphasizing harm repair, voluntariness, fairness, and victim protection while still preserving legal certainty and accountability. Accordingly, this research frames traffic accident law enforcement outcomes—measured in terms of justice, legal certainty, social utility, deterrence, public trust, and accident reduction—as being shaped by the interplay of regulatory quality, police competence and integrity, community legal culture, institutional support (resources, infrastructure, technology), inter-agency coordination, and the principled use of restorative mechanisms within the jurisdiction of the South Sulawesi Regional Police.

## **RESULTS AND DISCUSSIONS**

## **The Essence of the Duties and Functions of the Police in Enforcing the Law on Traffic Accident Crimes within the Jurisdiction of the South Sulawesi Regional Police**

Law enforcement against traffic accident crimes constitutes a tangible and everyday manifestation of the police function as a state organ entrusted with maintaining public order and upholding the rule of law. Within the jurisdiction of the South Sulawesi Regional Police, this responsibility becomes especially significant because traffic accidents are not merely technical road incidents, but complex legal and social events that may involve loss of life, serious injury, material damage, psychological trauma, and prolonged conflict between families and communities. For that reason, the police are required to handle every traffic accident case professionally, promptly, and fairly, not only because statutory law mandates such action, but also because the legitimacy of law enforcement in a rule-of-law state depends on whether legal norms are implemented in a manner that is consistent with the philosophical foundations of the national legal system. In this context, the police role is not limited to administrative presence or routine traffic control; rather, it includes an integrated set of functions covering registration and identification of vehicles and drivers, operational traffic management and engineering, public education in traffic discipline, and the enforcement of law through inquiry, investigation, evidence collection, and procedural actions against violators whose conduct fulfills criminal elements. Consequently, the essence of the police duties and functions in enforcing the law on traffic accident crimes must be understood as an integral part of the exercise of state authority in the field of law enforcement and the preservation of public order, where the police act as a front-line institution that translates legal ideals into concrete protection for society, especially in situations where citizens are vulnerable and in urgent need of legal certainty and immediate assistance.

Philosophically, this law enforcement task is inseparable from the triad of legal values that are widely recognized as the core objectives of law: justice, legal certainty, and social utility. Justice requires the police to enforce the law objectively and without discrimination, meaning that every case must be handled on the basis of facts, evidence, and lawful procedures, rather than on social status, economic position, political influence, or personal connections. In practice, justice in traffic accident cases demands that the police safeguard the rights of victims and their families to obtain accurate information, to receive respectful treatment, and to access legal assistance when needed, while also ensuring that suspects or alleged perpetrators are treated in accordance with due process, the presumption of innocence, and fair procedural guarantees. Justice also implies a commitment to truth-finding: reconstructing events accurately, determining the degree of negligence or unlawful conduct, identifying causal links, and preventing the investigation from being shaped by public pressure, viral narratives, or unverified assumptions. Where victims come from marginalized groups, justice requires the police to become a protective institution that ensures their vulnerability does not turn into legal disadvantage, and that the legal process does not become an additional source of harm. In short, law enforcement that fails to protect victims, neglects their right to clarity, or treats them as secondary stakeholders is not merely poor administration—it is a deviation from the fundamental meaning of justice itself.

At the same time, legal certainty demands that every police action in handling traffic accident crimes be based on clear legal grounds, consistent standards, predictable procedures, and accountable decisions. In a rule-of-law state, legal certainty is achieved when the public can understand the rules, anticipate the consequences of unlawful behavior, and trust that the same legal standards apply to everyone. In traffic accident law enforcement, this means that the police must respond swiftly to reports, promptly secure and manage the crime scene, conduct lawful and systematic evidence collection, document findings rigorously, and communicate case progress transparently to relevant parties. Legal certainty also requires procedural efficiency: delays in handling accidents, prolonged investigations without updates, or unclear procedural pathways can create extended uncertainty, deepen social conflict, and generate perceptions of injustice—especially for victims' families who are waiting for accountability and closure. Yet legal certainty is not meant to become rigid formalism; it must also be substantive, meaning that the application of rules should reflect the real circumstances of the case, including the degree of negligence, the severity of harm, and the behavior of the parties after the incident, such as cooperation, remorse, or attempts to provide assistance. In this sense, legal certainty is achieved not by mechanical application alone, but by consistent, evidence-based, and transparent decision-making that can be justified both legally and ethically.

Social utility, as the third foundational value, places emphasis on the real-world benefits of law enforcement for the broader community. In the context of traffic accidents, the law must not function merely as a mechanism to punish, but also as an instrument to prevent further harm, reduce risks, protect lives, and cultivate safer traffic behavior. Therefore, the police response must prioritize immediate humanitarian measures—rescue, medical assistance, and protection of victims—alongside legal measures such as investigation and evidence preservation. Social utility also supports preventive strategies grounded in data and technology, such as analyzing accident patterns, identifying high-risk zones, improving traffic engineering, strengthening enforcement consistency, and promoting public education on safety practices. Effective law enforcement should contribute to measurable benefits: fewer accidents, fewer deaths, reduced injuries, reduced material loss, reduced public anxiety, and increased trust in public institutions. When the police handle traffic accident crimes in a timely, fair, and transparent

manner, the benefits are not limited to the parties involved; they extend to community confidence, compliance culture, and the overall integrity of the legal system.

In addition to these three foundational values, the essence of the police function in traffic accident law enforcement also encompasses the broader normative duties of maintaining security and public order, providing protection and guidance, delivering public service, cultivating public tranquility, and upholding human rights. Maintaining security and public order in this setting means ensuring that road spaces remain safe public environments and that the consequences of accidents do not escalate into disorder, conflict, or vigilantism. Police presence at accident scenes must restore order, manage traffic flow, secure evidence, prevent further harm, and reduce public panic. Protection and guidance require a humane approach: the police must not be perceived merely as an agent of coercion, but as a state representative who assists citizens in moments of crisis, provides legal orientation, and facilitates access to necessary support systems. This includes helping victims' families understand procedures, ensuring they receive fair treatment, and coordinating with other agencies when necessary. Public service, meanwhile, demands responsiveness, transparency, accessible communication, and non-discriminatory treatment, so that citizens view the police as a reliable service institution rather than a distant bureaucratic apparatus. Where the public perceives secrecy, inconsistency, or selective handling, trust declines, and the gap between law on the books and law in action grows wider, weakening the entire system of legal legitimacy.

A key feature that makes traffic accident law enforcement distinct is that many traffic accident crimes are rooted in negligence rather than deliberate intent. This means the police must be particularly careful in examining the objective facts that reveal whether the driver failed to exercise due care, violated traffic rules, ignored safety obligations, or acted recklessly. Because negligence-based cases require rigorous proof of fault and causation, investigation quality becomes central: accident reconstruction, witness examination, forensic evidence, vehicle condition checks, road condition analysis, and documentation of speed, braking, visibility, and compliance with safety requirements. When the police conduct these processes meticulously, they strengthen justice and legal certainty simultaneously; when these processes are weak, the legal outcome becomes questionable and may be viewed as arbitrary or biased. Moreover, because traffic accidents often involve community relationships—families, neighbors, workplace networks—police handling must also prevent social escalation by ensuring procedural fairness, respectful treatment, and clear communication that avoids misunderstandings. In certain circumstances, restorative mechanisms may be relevant, especially in minor accidents without fatalities, provided that such approaches are conducted within lawful frameworks, prioritize victims' rights, prevent coercion, and do not undermine accountability. In such cases, restorative resolution can complement legal certainty by offering a humane settlement and reducing social conflict, yet it must never become a pathway to impunity or selective justice.

Ultimately, within the jurisdiction of the South Sulawesi Regional Police, the essence of the duties and functions of the police in enforcing the law on traffic accident crimes lies in the integration of legal authority with ethical responsibility. The police must embody the state's commitment to justice by treating all parties fairly and basing decisions on evidence, to legal certainty by applying clear procedures consistently and transparently, and to social utility by ensuring law enforcement contributes to public safety and preventive outcomes. At the same time, the police must fulfill their broader constitutional role by maintaining public order, providing protection and guidance, delivering humane public services, cultivating public tranquility, and upholding human rights throughout the legal process. When these elements are consistently realized, traffic accident law enforcement becomes more than routine case handling; it becomes a daily demonstration of the rule of law, a mechanism for protecting human dignity on the road, and a cornerstone of public trust in the legal system itself.

## CONCLUSION

The essence of the police's duties and functions in enforcing the law on traffic accident crimes within the jurisdiction of the South Sulawesi Regional Police lies in translating legal mandates into real protection for society through professional, prompt, fair, and accountable handling of every case. This law enforcement role is not merely procedural or administrative, but is grounded in the fundamental legal values of justice, legal certainty, and social utility, which require non-discriminatory action, consistent application of clear rules, transparent and efficient processes, and measurable benefits for public safety. Because traffic accidents often involve negligence and produce serious human, social, and economic consequences, the police must ensure accurate investigations, protection of victims' rights, fair treatment of alleged offenders, and the maintenance of public order while also promoting prevention through education, coordination, and effective traffic management. Therefore, strengthening police professionalism, resources, technology, transparency, and community collaboration is essential to ensure that traffic accident law enforcement genuinely reflects the rule of law, safeguards human dignity, and builds sustained public trust.

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